

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2121

Introduced by Assembly Member Gray

February 20, 2014

An act to amend Section 3010.10 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2121, as amended, Gray. Sex Offenders: parole: disabling monitoring device.

Existing law, subject to exceptions, prohibits a person required to register as a sex offender from removing or disabling an electronic, *global positioning system (GPS)*, or other monitoring device, or permitting another to do so, if the device is a condition of parole. A violation of these provisions requires the parole authority to revoke the person's parole and to require incarceration of the person in a county jail for 180 days.

~~This bill would increase the penalty for this parole violation to incarceration in a county jail for not less than 180 days and not more than one year.~~ *recast those provisions to prohibit the person from removing, disabling, rendering inoperable, or knowingly circumventing the operation of an electronic, GPS, or other monitoring system that is required as a condition of parole, or permitting another person to perform one of those prohibited acts, except as provided. The bill would additionally require a person who is required to register as a sex offender as a condition of parole to report to his or her parole officer within one working day following release from custody, or as instructed*

by a parole officer, for the purpose of affixing an electronic, GPS, or other monitoring device to his or her person.

By increasing the incarceration duties of expanding the scope of provisions that, if violated, require incarceration in local jail facilities, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 3010.10 of the Penal Code is amended
2 to read:
3 3010.10. (a) A person who is required to register as a sex
4 offender pursuant to Section 290 shall as a condition of parole
5 shall report to his or her parole officer within one working day
6 following release from custody, or as instructed by a parole officer
7 to have an electronic, global positioning system (GPS), or other
8 monitoring device affixed to his or her person.
9 (b) A person who is required to register as a sex offender
10 pursuant to Section 290 shall not remove or remove, disable, render
11 inoperable, or knowingly circumvent the operation of, or permit
12 another to remove or remove, disable, render inoperable, or
13 knowingly circumvent the operation of, an electronic, global
14 positioning system (GPS) GPS, or other monitoring device affixed
15 to his or her person as a condition of parole, when he or she knows
16 that the device was affixed as a condition of parole.
17 (b)

1 (c) (1) This section ~~shall~~ *does* not apply if the ~~removal or~~
2 ~~disabling of an~~ *removal, disabling, rendering inoperable, or*
3 *circumvention of the* electronic, GPS, or other monitoring device
4 is performed by a physician, emergency medical services
5 technician, or by any other emergency response or medical
6 personnel when doing so is necessary during the course of medical
7 treatment of the person subject to the electronic, GPS, or other
8 monitoring device.

9 (2) This section ~~shall~~ *does* not apply if the ~~removal or removal,~~
10 ~~disabling, rendering inoperable, or knowingly circumventing the~~
11 *operation of the* electronic, GPS, or other monitoring device is
12 authorized or required by a court, or by the law enforcement,
13 probation, parole authority, or other entity responsible for placing
14 the electronic, GPS, or other monitoring device upon the person,
15 or that has, at the time, the authority and responsibility to monitor
16 the electronic, GPS, or other monitoring device.

17 (e)

18 (d) Upon a violation of this section, the parole authority shall
19 revoke the person's parole and require that he or she be incarcerated
20 in the county jail for ~~not less than 180 days and not more than one~~
21 *year 180 days*.

22 ~~SEC. 2. If the Commission on State Mandates determines that~~
23 ~~this act contains costs mandated by the state, reimbursement to~~
24 ~~local agencies and school districts for those costs shall be made~~
25 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
26 ~~4 of Title 2 of the Government Code.~~

27 *SEC. 2. No reimbursement is required by this act pursuant to*
28 *Section 6 of Article XIII B of the California Constitution because*
29 *the only costs that may be incurred by a local agency or school*
30 *district will be incurred because this act creates a new crime or*
31 *infraction, eliminates a crime or infraction, or changes the penalty*
32 *for a crime or infraction, within the meaning of Section 17556 of*
33 *the Government Code, or changes the definition of a crime within*
34 *the meaning of Section 6 of Article XIII B of the California*
35 *Constitution.*